

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Henry Laverne Patterson,

Civil No. 10-4758 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Loretta Ryks, Lt. Officer; Michael Warren,
Sgt. Officer; Michael Kelley, Sgt. Officer;
Razhan Tolefree, Officer; Greg Lindell,
Lt. Officer; Steve Hammer, Assistant
Warden MCF-STW; John King, Warden
MCF-STW; Joan Fabian; and Terry Carlson,
Assistant Commissioner,

Defendants.

Henry Laverne Patterson, *Pro Se*, Plaintiff.

This matter is before the Court upon *pro se* Plaintiff Henry Patterson's ("Plaintiff") self-styled objections to Magistrate Judge Leo I. Brisbois's March 28, 2011 Report and Recommendation, insofar as it recommends that: (1) Plaintiff's application for leave to proceed *in forma pauperis* be denied; (2) this action be summarily dismissed pursuant to 28 U.S.C. § 1915A(b)(1); (3) Plaintiff be required to pay the unpaid balance of the Court filing fee, namely the sum of \$321.46, in accordance with 28 U.S.C. § 1915(b)(2); and (4) the dismissal of this action be counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Henry Laverne Patterson's self-styled objections (Doc. No. [8]) to Magistrate Judge Leo I. Brisbois's March 28, 2011 Report and Recommendation are **DENIED**.

2. Magistrate Judge Leo I. Brisbois's March 28, 2011 Report and Recommendation (Doc. No. [7]), is **ADOPTED**.

3. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**.

4. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1).

5. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the sum of \$321.46, in accordance with 28 U.S.C. § 1915(b)(2).

6. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

Dated: May 11, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge